TOWA CAN'T EXCLUDE RUM.

PART OF HER PROHIBITORY LAW PRONOUNCED UNCONSTITUTIONAL.

The Pull Text of the Becision of the United

States Supreme Court in a Test Case to Determine a State's Hight to Forbid the Importation of Liquor from Other States
-The Limitations of Nante Power Clearly
and Finally Beflacel-No Interference with
Inter-State Traffic in Intextenting Liquora The full text of the opinion of the Supreme Court of the United States in the case of George Rowman and Fred W. Bowman against the Chicago and Northwestern Railway Company is printed below. The opinion of the Court was delivered on March 19, by Mr. Justice Matthews. The dissenting opinion of the late Chief Justice and of Mr. Justice Harian and Mr. Justice Gray was delivered on the same day by Justice Harian. The case went to the Supreme Court on a writ of error to the Circuit Court of the Northern District of Illinois, where judgment had been entered against the plaintion. The Supreme Court now reverses that judgment and declares unconstitutional and void section 1,553 of the Iowa Code, which is as

follows:

If any express company, rallway company, or any agent or person in the employ of any expressions agent or person in the employ of any expressions pany or railway company, or if any common carrier, or any person in the employ of any common carrier, or any person knowingly bring within this state for any person or persons or corporation, or shall knowingly transport or convey between points or from one place to another in this State for any other person or persons are corporation, are interfective linear. or persons or corporation, any intextesting liquors with-out first having been furnished a certificate from and under the seal of the County Auditor of the county to which said liquor is to be transported or is consigned for transportation, or within which it is to be conveyed from place to place, certifying that the consignee or person to whom said liquor is to be transported, conveyed, or de-livered is authorized to well such intoxicating liquors in such county, such company, corporation, or person so effeading, and each of them, and any agent of such company, corporation, or person so offending, shall, upon conviction thereof, be lined in the sum of \$160 for each offense, and pay costs of prosecution, and the costs shall include a reasonable attorney fee, to be assessed by the Court, which shall be paid into the county fund, and stand committed to the county jail until such fine and costs of prosecution are paid. The offence herein defined shall be held to be complete, and shall be held to have been committed in any county of the State through or to which said intexteating liquous are transported, or in which the same is unloaded for transpertation, or in which said figuors are conveyed from place to place or delivered. It shall be the duty of the several County Auditors of this State to issue the certificate herein contemplated to any person having such permit, and the certificate so issued shall be truly dated when issued, and shall specify the date at which the permit expires, as shown by the county records.

The Opinion.

The Opinion.

It is not denied that the declaration sets out a good cause of action. It alleges that the defendant was possessed of and operated a certain railway, by means of which it became and was a common carrier of goods and chattels thereon for hire, from the city of Chicago, in the State of Hilmois, to the city of Council Bluffs, in the State of Jowa, and that, as such it was its duty to carry from and to all stations upon its line of railway all goods and merchandise that might be entrusted to it for that purpose. This general duty was imposed upon it by the common law as adopted and prevailing in the States of Hilmois and lowa. The single question, therefore, presented upon the record is, whether the statute of the State of Iowa, set out in the plea, constitutes a defence to the netion.

The section of the statute referred to heirs.

out in the plea, constitutes a defence to the netion.

The section of the statute referred to, being section 1,558 of the Iowa Code as amended by the set of April 5, 1886, forbids any commor carrier to bring within the State of Iowa, for any person or persons or corporation, any intoxicating liquors from any other State of Territory of the United States, without first having been furnished with a certificate, under the seal of the County Auditor of the county to which said liquor is to be transported or is consigned for transportation, certifying that the consignee or person to whom said liquor is to be transported, conveyed, or delivered is antiborized to sell intoxicating liquors in such sounty.

WHAT THE IOWA LIQUOR LAW 18.

WHAT THE IOWA LIQUOR LAW IS.

What the lowa liquos law is.

This statutory provision does not stand alone, and must be considered with reference to the system of legislation of which it forms a part. The act of Amil 5,1888, in which it forms a part. The act of Amil 5,1888, in which it is contained, relates to the sale of intoxicating liquors within the State of Iowa, and is amendatory of chapter 143 of the acts of the twentieth General Assembly of that State "relating to intoxicating liquors and providing for the more effectual suppression of the illegal sale and transportation of intoxicating liquors and abatement of nulsances." The original section 1.553 of the lowa Code contains a similar provision in respect to common carriers. By section 1.628 of the code, the manufacture and sale of intoxicating liquors, except as thereinaster provided, is made unlawful, and the keeping of intoxicating liquor with intent to sell the same within the State, contrary to the provisions of the act, is prohibited, and the intoxicating liquor so kept, together with the vessels in which it is contained, is declared to be a nuisance, to be forfeited and dealt with as thereinafter provided. Section 1.524 excepts from the operation of the law sales by the importer thereof of foreign intoxicating liquor, imported under the authority of the laws of the United States regarding the importation of such liquors and in accordance sales by the importer thereof of foreign intoxicating liquor, imported under the authority of the laws of the United States regarding the importation of such liquors and in accordance with such laws, revoided that the said fiquors it the time of said sale by said importer remains in the original casks or packages in which it was by him imported, and in quantities of not less than the quantities in which the laws of the United States require such liquors to be imported, and is sold by him in said original casks or packages and in said quantities only. The law also permits the manufacture in the State of Iquors for the purposes of being sold according to the provisions of the statute, to be used for mechanical medicinal, culinary, or sucramental purposes; and for these purposes only any citizon of the State, except hotel keepers, keepers of saloons, eating houses, grocery keepers, and confectioners, is permitted within the county of his residence to buy and sell intoxicating liquors, provided he shall first obtain permission from the Board of Supervisors of the county in which such business is conducted. It also declares the building or erestion of whatever kind, or the ground itself in or upon which intoxicating liquor is manufactured or sold, or kept with intent to sell, contrary to law, to be a nuisance, and that it may be abated as such. The original provisions of the code (section 1,555) exeluded from the definition of intoxicating liquors, beer, clear from apples, and wine from grapes, currants and other fruits grown in the State, but by an amondment that section was made to include alcohol, alc, wine, beer, spirituous, vinous, and mait liquors, and all intoxicating liquors whatever.

It thus appears that the provisions of the statute set out in the plea, prohibiting the transportation by a commisson carrier of intoxicating liquor within the State of a nuisance. It may, therefore, latify be said that the provision in question has been adopted by the State of lows, not expressly for the purpose of regulating

PREVIOUS OPINIONS OF THE COURT.

We have had recent occasion to consider State legislation of this character in its relation to the Censtitution of the United States. In the case of Mugier agt. Kansas, 123 U.S., 623, it was said:

All the class of all the control of the United States of the State prohibiting the manufacture within her limits of intoxicating inpure to be soid or bariared for general use as a inversity, does not necessarily intrings any right, per vilege, or immunity secured by the Constitution of the United States, is made clear by the decisions of this Court rendered before and since the adoption of the Fouriseanth Amendment. **
These cases reat upon the acknowledged right of the States of the Union to course! their purely internal affects and in so doing to protect their purely internal affects with the seventh of the Court of the

In the License Cases, 5 Howard, 504, the question was whether certain statutes of Massachusetts, Rhode Island, and New Hampshire, relating to the sale of spirituous liquors, were repugnant to the Constitution of the United States by reason of an allegad conflict between them and the power of Congress to regulate commerce with foreign countries and among the several States. The statutes of Massachusetts and of Rhode Island considered in these cases had reference to the sale within those States respectively of intoxicating liquor imported from foreign countries, but not sold or offered for sale within the State by the importer in original packages.

The statute of Naw Hampshire, however, applied to intoxicating liquor imported from mother State, and the decision in that case uphold its validity in reference to the disposition by sale or otherwise of the intoxicating liquor after it had been brought into the State. That judgment, therefore, closely approached the question presented in this case. The Justices all concurred in the result, but there was not a majority which agreed upon any specific ground for the conclusion, and it is necessary to compare the several opinions which were pronounced in order to extract the propositions necessarily embraced in the judgment. Chief Justice Tangey was of the opinion that Congress had clearly the power to regulate such resportation and sale under the grant of power to regulate commerce among the several States. Yet, as Congress has made no regulations on

the subject," he said, "the traffic in the article may be lawfully regulated by the State as soon as it is landed in its territory, and a tax imposed upon it, or a license required, or the sale altogether negligibled, according to the policy which the State may suppose to be its interest or duty to pursue. Mr. Justice Catron and Mr. Justice Nelson agreed with the Chief Justice that the statute of New Hampshire in question was a regulation of commerce, but lawful, because not repusanant to any actual exercise of the commercial power by Congress. Mr. Justice McLean seemed to think that the power of Congress ended with the importation, and that the sale of the article after it reached its destination, was within the exclusive control of the

congress ended with the importation, and that the saie of the article after it renched its destination was within the exclusive control of the State. He rold:

If this tax had been laid on the property as an import the Constitution. It would have been a requirement the Constitution. It would have been a requirement of the Constitution. It would have been a requirement of commerce among the State which has been endistively given to Congress.

But this barrel of fin. like all other property which has been endistively given to Congress.

But this barrel of fin. like was lable to taxation by the State. It comes under the general regulation, and cannot be sold without a herea.

Mr. Justice Daniel denied that the right of importation included the right to sell within the State, contrary to its laws. He impliedly admitted the exclusive power of Congress to regulate importation, and maintained, as conslive exclusive, the right of the State to regulate the matter of sale. Mr. Justice Woodbury concurred in the same distinction. He said:

It is manifest, also, whether as an abstract proposition.

BBIG: It is manifest, also, whether as an abstract proposition or practical measure, that a prohibition to import is one thing, white a prohibition to self without a licenso is another and entirely different.

thing, while a prohibition to sell without a license is another and entirely different.

The first, he thought, was within the control of Congress, the latter within the exclusive jurisdiction of the State. He said:

The subject of buying and selling within a State is one as exclusively belonging to the power of the State ever its unternal trade as that to request foreign commerce is with the general Government under the broadest construction of that power.

* The idea too, that a prohibition to sell would be transmount to a prohibition to sell would be transmount to a prohibition to fell would be transmounted a prohibition to sell would be transmounted to a prohibition to sell a person could import, as he often does for his own consamption and that of his family and plantations, and size if a merchant extensively engaged in commerce often does inport articles with no view of selling them here, but of sturing them for a higher and more suitable market in another state or abroad.

Ho also said:

import articles with no view of selling them here, but of sturing them for a higher and more suitable market in another State or abroad.

He also said:

But this license is a regulation neither of domestic commerce between the States, nor of foreign commerce to extract on either, or the imports of either, until they have entered the State and become component parts of its projectly. Then it has by the Consumation are excited as one of the state and become component parts of its projectly. Then it has by the Consumation are excited by property or regulate its own internal residents, elitions or not, by its regulations. If they are its protection and privileges; and tougress, instead of being opposed and thwarted by regulations as to this, can no more interfere in it than the states can interfere in regulation of oreign commerce.

Mr. Justice Grier concurred mainly in the opinion delivered by Mr. Justice McLean, and did not consider that the question of the exclusiveness of the power of Congress to regulate commerce was necessarily connected with the decision of the point that the States had a right to prohibit the sale and consumption of an article of commerce within their limits which they believed to be pernitions in its effects, and the cause of pauperism, disease, and crime.

From a review of all the opinions the following conclusions are to be deduced as the result of the judgments in those cases;

1. All the Justices concurred in the proposition that the statutes in question were not made void by the mere existence of the power to regulate commerce with foreign nations and among the States delegated to Congress by the Constitution.

2. They all concurred in the proposition that

among the States delegated to Congress by the Constitution.

2. They all concurred in the proposition that there was no legislation by Congress in pursuance of that power with which these statutes were in conflict.

3. Some, including the Chief Justice, held that the matter of the importation and sale of articles of commerce was subject to the exclusive regulation of Congress, whenever it chose to exert its power, and that any statute of the State on the same subject in conflict with such positive provisions of law enacted by Congress would be void.

4. Others maintained the view that the power of Congress to regulate commerce did not extend to or include the subject of the sale of such articles of commerce after they had been introduced into a State, but that when the act of importation ended, by a delivery to the consignee, the exclusive power over the subject power.

NEW QUESTIONS INVOLVED IN THIS CASE. NEW QUESTIONS INVOLVED IN THIS CASE.

From this analysis it is apparent that the question presented in this case was not decided in the License Cases. The point in judgment in them was strictly confined to the right of the States to prohibit the sale of intoxicating liquor after it had been brought within their territorial limits. The right to bring it within the States was not questioned; and the reasoning which justified the right to prohibit sales admitted, by implication, the right to introduce intoxicating liquor, as merchandize, from foreign countries, or from other States of the Union, free from the control of the several States, and subject to the exclusive power of Congress over commerce.

the transportation of merchantise, operates as a regulation of commerce among the States:

Beyond all question, the transportation of freight, ercthesableats of commerce, for the purpose of eachange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution when to Congress was committed the power to regulate commerce among the several States. A power to prevent embarrassing restrictions by any Sizie was the thing desired. The power was given by the same words and in the same clause by which was conferred power to regulate commerce with foreign nations. It would be absurd to suppose that the transmission of the subjects of trade from the State to the buyer, or from the place of production to the market, was not contemplated, for without that there could be no consummated trade, either with foreign nations or among the States.

* * Nor does to make any difference whether this interchange of commedities is by land or by water. In either case the bringing of the goods from the seller to the bayer is normered. Among the States it must have be n principally by land when the Constitution was subjected.—Goss of the State Freignt Tax, 15 Wall, 202, 275, per Mr. Justice Strong.

It was, therefore, decided in that case that a tax upon freight transported from State to State was a regulation inter-State transportation, and for that reason a regulation of commerce among the States. And this conclusion was reached notwith-standing the fact that Congress had not legislated on the subject, and notwithstanding the inference sought to be drawn from the fact that it was thereby left open to the legislation of the several States. On that point it was said by Mr. Justice Strong, speaking for the Court, as follows: 75. per Mr. Justice strong.

of the several States. On that point it was said by Mr. Justice Strong, speaking for the Court, as follows:

Cases that have sustained State lawa alleged to be regulations of commerce among the States have been such as related to bridges or dams across streams wholly within a State, police or health laws, or subjects of a kindred nature not strictly of commercial regulations. The subjects were such as in Giman agt. Philadelphia, 3 Wall, 713, it was said "can be best regulated by ruies and provisions suggested by the varying circumstances of different localities and limited in their operation to such localities respectively." However this may be, the rule fas been asserted with great clearness that whenever the subjects over which a power to regulate commerce is asserted are in their nature national, or admitting of one uniform system or plan of regulation, they may justify be said to be of such a mature as to require exclusive lexislation by Congress. Cooley agt. The caches of the control of the

imposition of a single tax, it would be crushed under a load of many. It was to knard against the possibility of such commercial embarrasments no doubt, that the power of regulating commerce among the States was conferred upon the Federal Government.

FEREAL POWER TO ERQULATE COMMERCE.

The distinction between cases in which Congress has exerted its power over commerce, and those in which it has abstained from its exercise, as bearing upon State legislation touching the subject, was first plainly pointed out by Mr. Justice Curtis in the case of Cooley agt. Port Wardens, 12 Howard, 299, 318, and applies to commerce with foreign nations as well as to commerce among the States. In that case, speaking of commerces with foreign nations, he said:

Now the power to regulate commerce embraces a vast field, containing not only many, impoxeedingly various subjects quite units in their nature; some imperatively demanding a single uniform rule operating equally on the commerce of the United States in every peri; and some, like the subject now in question, as imperatively demanding that diversity which slone can meet the local necessities of navigation.

It was, therefore, held in that case that the laws of the several States concerning pilotage, although in their nature regulations of foreign commerce, wore, in the absence of legislation on the same subject passed in the provided for, not by one system or plan of regulations, but by as many as the legislative discretion of the several States should deem applicable to the local peculiartiles of the ports within their limits; and to this it may be added that it was a subject, therefore, by Congress, was evidence of its opinion that the matter might be best regulation. The absence of legislation on the subject, therefore, by Congress, was evidence of its opinion that the matter in the provided from subject, therefore, by Congress, was evidence of legislation that local regulations might be made, it may be argued however, that asked from subject in peratively demanding positiv

character and equally extensive. The actual exercise of its power over either subject is equally and necessarily actualize of that of the States, and paramount over all the powers of the States; so that State legislation, however legitimate in its origin or object, when it conflicts with the positive legislation of Congress, or its intention reasonably implied from its silence, in respect to the subject of commerce of both kinds, must fail. And yet in respect to commerce among the States, it may be for the reason siready assigned that the same inference is not always to be drawn from the absence of Congressional legislation as might be in the case of commerce with foreign nations. The question, therefore, may be still considered in each case as it arises, whether the fact that Congress has failed in the particular instance to provide by law a regulation of commerce among the States is conclusive of its intention that the subject shall be free from all positive regulation, or that, until it positively interferes, such commerce may be left to be freely dealt with by the respective States.

all positive regulation, or that, until it positively interferes, such commerce may be left to be freely dealt with by the respective States.

THE STATE FIRIGHT TAX CASE.

We have seen that in the case of the State Freight Tax, 15 Wall, 232, a tax imposed by one State upon freight transported to or from another State was held to be void as a regulation of commerce among the States, on the ground that the transportation of passengers or merchandise through a State, or from one State to another, was in its nature national, so that it should be subjected to one uniform system or plan of regulation under the control of one regulating power. In that case the tax was not imposed for the purpose of regulating inter-State commerce, but in order to raise a revenue, and would have been a legitimate exercise of an admitted power of the State if it had not been exerted so as to operate as a regulation of inter-State commerce, applied as the tax was in that case, would fall equally within the rule of its decision. If the State has not power to tax freight and passengers passing through it, or to or from it, from or into another State, much less would it have the power directly to regulate such transportation or to forbid it altogether. If, in the present case, the law of Iowa operated upon all merchandise sought to be brought from another State into its limits, there could be no doubt that it would be a regulation of commerce among the States, and repugnant to the Constitution of the United States. In point of fact, however, it applies only to one class of article of a particular kind, and prohibits their introduction into the State upon special grounds. It remains for us to consider whether those grounds are sufficient to justify it as an exception from the rule which would govern if they did not exist.

It may be material also to state in this connection that Congress had legislated on the general subject of inter-State commerce by means of railrond sports of which was properly on their way from any State to another State THE STATE PREIGHT TAX CASE.

omniercial intercourse against discriminating State egislation. Congress had also legislated on the subject Congress had also legislated on the subject of the transportation of passengers and merchandise in chapter 6, title 48, of the levised Statutes, sections 4,252 to 4,289 inclusive, having reference, however, mainly to transportation in vessels by water. But sections 4,278 and 4,279 relate also to the transportation of nitro-glycerine and other similar explosive substances by land or water, and either as a matter of commerce with foreign countries or among the several States. Section 4,280 provides that "the two preceding sections shall not be so construed as to prevent any State. Territory, district, city, or town within the United States from regulating or fsom prohibiting the traffic in or transportation of those substances between persons or places lying or being within their respective territorial limits, or from prohibiting the introduction thereof into such limits for sale, use, or consumption therein."

Herein. So these regulations made by Congress extend, they are certainly indications of its intention that the transportation of commodities between the States shall be free, except where it is positively restricted by Congress itself, or by the States in particular cases by the express permission of Congress. On this point the language of this Court in the case of County of Mobile agt. Kimball, 192 U. S. 691, 697, is applicable. Bepeating and expanding the idea expressed in the opinion in the case of Cooley agt. Board of, Port Wardens. 12 How. 299, this Court said:

liere there can of necessity be only one system or plan of regulations, and that Congress alone can prescribe. Its non-action in such cases with respect to any particular commodity or mode of transportation is a declaration of its purpose that the commerce in that commodity, or by that meens of transportation, shall be free. There would, otherwise, be no security against conflicting regulations of different states, each disconflicting regulations of different states, each disconflicting regulations of different states, each disconflicting regulations of different states, and the formatter of public history that the objects. And it is a Congress the power to regulate commerce with foreign nations and among the States was to insure uniformity of regulation against conflicting and discriminating state legislation.

Commerce with foreign countries and among the States was to insure uniformity of regulation negations and among the states strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities. For the regulation of countere as thus defined there can be only one system of rules, applicable alike to the whole consistry; and the authority which can not for the whole contry; and the authority which can not for the whole country; and the authority which can not for the whole country; and the authority which can not for the whole country; and the authority which can not for the whole country; and the authority which can not for the whole country; and the authority which can not for the whole country; and the authority which can not for the whole country; and the authority which can not for the whole country; and the authority which can not for the whole country; and the authority which can not for the whole country; and the authority which can not for the whole country and the authority which can not for the whole country to the authority which can not for the whole c

to the whole country can alone adopt such a system. Action upon it by separate States is not, therefore, permissible.

BFECIAL FEATURES OF THE IOWA CASE.

The principle thus announced has a more obvious application to the circumstances of such a case as the present, when it is considered that the law of the State of lown under consideration, while it professes to regulate the conduct of carriors engaged in transportation within the limits of that State, nevertheless materially affects, if allowed to operate, the conduct of such carriers, both as respects their rights and obligations, in every other State into or through which they hass in the prosecution of their business of inter-State transportation. In the present case the defeadant is sued as a common carrier in the State of illinois, and the breach of duty alleged against it is a violation of the law of that State in rolusing to receive and transport goods which as a common carrier, by that law it was bound to accept and carry, it interposes as a defence a law of the State of Iowa, which forbids the delivery of such goods within that State. Has the law of Iowa any extra territorial force which does not belong to the law of the State of Illinois? If the law of Iowa forbids the delivery, and the law of Iowa forbids the delivery, and the law of Illinois requires the transportation, which of the two shall prevail? How can the former make void the latte? In view of this necessary operation of the law of Iowa, if it be valid, the language of this Court in the case of Hail agt. De Cuir, 95 U.S. 435, 438, is exactly in point. It was there said:

But we think it may safely be said that State legislation, which seeks to impose a direct burden upon inter-State commerce, or to interfers directly upon the acceptance of the case of th

NOT AN INSPECTION LAW.

It it impossible to justify this statute of lows by classifying it as an inspection law. The right of the States to Lass Inspection laws is expressly recognized in Article I. section 10, of the Constitution, in the clause declaring that "no State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws."

"And all such laws shall be subject to the revision and control of the Congress." The na-

ture and character of the inspection laws of the States, contemplated by this provision of the Constitution, were very fully exhibited in the case of Turner agt, Maryland, 107 U.S. 38. "The object of inspection laws," said Chief Justice Marshallin Gibbons act Orden, 9 Wheat, 1, 203, "is to improve the quality of articles produced by the labor of a country; to fit them for exportation; or, it may be for domestic use. They act upon the subject, before it becomes an article of foreign commerces, or of commerce among the States, and prepare it for that purpose." They are confined to such particulars as, in the estimation of the Legislature and according to the customs of trade, are decreded necessary to fit the inspected article for the market, by giving to the purchaser public assurance that the article is in that condition and of that quality which makes it merchantable and fit for use or consumption. They are not founded on the idea that the things in respect to which inspection is required are dangerous or noxious in themselves. As was said in Turner agt, Marriand, 107 U.S. 38, 55: "Recognized elements of inspection laws have always been quality of the article, form, capacity, dimensions, and weight of puckage, mode of putting up, and marking and branding of various kinds, all these matters being supervised by a public officer having authority to pass or not pass the article as lawful mercaandise, as it did or did not answer the prescribed requirements. It has never been regarded as necessary, and it is manifestly not necessary, that all of these elements should coexist in order to make a valid inspection law. Quality alone may be the subject of inspection, without other requirement, or the inspection may be made to extend to all of the above matters." It has never been regarded as within the legitimate scope of inspection law to forbid trade in respect to any known article of commerce, irrespective of its condition and quality, merely on account of its intrinsic nature and the injurious consequences of its use

NOT A QUARANTINE LAW.

For similar reasons the statute of Iowa under consideration cannot be regarded as a regulation of quarantine or a sanitary provision for the purpose of protecting the physical health of the community, or a law to prevent the introduction into the State of disease, contagious, infectious, or otherwise. Doubtless the States have power to provide by law suitable measures to prevent the introduction into the States of articles of trade, which, on account of their existing condition, would bring in and spread disease, pestilence, and death, such as rags or other substances infected with the germs of yellow fever or the virus of small-pox, or cattle, or meat, or other provisions that are diseased or decayed, or otherwise, from their condition and quality, unfit for human use or consumption. Such articles are not merchantable; they are not legitimate subjects of trade and commerce. They may be rightly outlawed as intrinsically and directly the immediate sources and causes of destruction to human health and life. The self-brotecting NOT A QUARANTINE LAW. outlawed as intrinsically and directly the immediate sources and causes, of destruction to human health and life. The self-protecting power of each State, therefore, may be rightfully exerted against their introduction, and such exercises of power cannot be considered regulations of commerce prohibited by the Constitution.

Upon this point, the observations of Mr. Justice Catron in The License Cases, 5 Howard, 504, 539, are very much to the point. Speaking of the poilog power, as reserved to the States, and its relation to the power granted to Congress over commerce, he said:

The assumption is, that the pelice power was not

gress over commerce, he said:

The assumption is, that the pelice power was not touched by the Constitution but left to the States, as the Constitution but left to the States, as the Constitution but left to the States, as the Constitution found it. This is admitted; and whenever a thing, from character or condition, is of a description to be regulated by that power in the State, then the regulation may be made by the State, and Congress cannot interiers. But this must always depend on facts subject to legal ascertainment, so that the injured may have redress. And this description is ablete to be regulated as part of, foreign commerce, or of commerce among the States. If, from its nature, it does not belong to commerce, or if its condition, from putrescence or other cause, is such, when it is about to enter the State, that it no longer belongs to commerce, or, in other words, is not a commercial article, then the State power may exclude its introduction. And as an incident to this power, a State may use means to ascertain the

Reilroad Company agt. Husen 95 U. S. 465, in which this Court declared agaset of the Lexislature of Missouri which prohibited driving or conveying any Texas, Mexican, or Indian cattle into the State, between the first day of March and the first day of November in each year, to be in conflict with the constitutional provision investing Congress with power to regulate commerce among the several States, holding that such a statute was more than a quarantine regulation, and not a legimate exercise of the police power of the State. In that case it was said:

ercise of the police power of the State. In that case it was said:

While we unbesitatingly admit that a State may pass sanitary lawa, and laws for the protection of life, liberty, health, or property within its borders; while it may prevent persons and animals suffering under contagious or infections of the protection of the protection is may establish quaranties and reasonable inspection laws it may establish quaranties and reasonable inspection laws it may not interfere with transportation into or through the state, beyond what is absolutely necessary for its self-protection. It may not, under the cover of exerting its police powers substantially professed ebject, and far list of the realm which is within the exclusive jurisdiction of Construct foreign commerce or inter-State commerce beyond the necessity for its exercise; and, under color of it, objects not within its ecope, cannot be secured at the expense of the protection afforced by the Federal Constitution. And as its range sometimes comes very near to the field committed by the Constitution te Congress, it is the duty of the Cauris to guard vigilantly against any needless intrusion.

LIMITS OF THE STATE'S POLICE POWER. The same principles were declared in Hendreson agt. The Mayor of New York, 22 U. S. 259, and Chy Lung agt. Freeman, Id. 275. In the latter case, speaking of the right of the State to protect itself from the introduction of paupers and convicted criminals from abroad, the Court said:

State to protect insent from the instruction of the Court and c:

Such a right can only arise from a vital necessity for its exercise, and cannet be carried beyond the seeps of that accessity. * * It may also be admitted, as of that it has the police power of a State justifies the adeption of procautionary measures against social svila. Under it a State may legislate to prevent the spread of orima, or pauperism, or disturbance of the peace. It may acclude from its limits convicta paupers idiota, and innation, and persons likely to become a public charge, as well as persons afflicted by contarious or infections diseases; a right founded, as intimated in the Fassenger Clases, 7 iloward, 28th by 1st. Justice Orier, in the sacred law of self-defence. Vide 8 Sawyer, 283. The same principle, it may also be conceaded, would justify the acclusion of property dangerous to the property of cliticens of the State; for stample, animals lawing contagious or infection, or sample, animals lawing contagious or infection, or sample, animals lawing contagious or infection, and the same of property against serious accounts of the persons and use of property as is injurious to the property of such property against serious accounts of the persons and use of property as is injurious to the property of such property against serious accounts of the persons and the exercised over a such as exercised to such an existing a property and the property of the police powers of a State to tax, nor any of its large police powers of a State to tax, nor any of its large police pewers can be exercised to such an existing a conferred upon Coagress by the Constitution.

How Far Prohibition is constitutional.

It is conceded, as we have already shown, that for the purposes of its policy a state has legislative control, exclusive of Congresa, within its iterritory of all persons, things, and transactions of strictly internal concern. For the purpose of protecting its people against the evils of intemperance it has the right to prohibit the manufacture within its limits of intoxicating liquors; it may also prohibit all domestic commerce in them between its own inhabitants, whether the articles are introduced from other States or from foreign countries; it may punish those who sell them involution of its laws; it may adopt any measures tending, even indirectly and remetely, to make the policy effective until it masses the line of power delegated to Congress under the Constitution. It cannot, without the consent of Congress, expressed or insuled, regulate commerce between its people and those of the other States of the Union in order to effect its end, however desirable such a regulation might be.

The statute of Lowa under consideration fails HOW FAR PROBIBITION IS CONSTITUTIONAL.

ond, however desirable such a regulation might be.

The statute of Iowa under consideration fails within this prohibition. It is not an inspection law; it is not a quarantine or sanitary law. It is essentially a regulation of commerce among the States within any definition heretofore given to that term, or which can be given; and although its metive and purpose are to perfect the policy of the State of Iowa in protecting its citizens against the evils of intemperance, it is none the less on that account a regulation of commerce. If it had extended its provisions so as to prohibit the introduction into the State from foreign countries of all importations of intoxicating liquors produced abroad, ac one would doubt the nature of the provision as a regulation of foreign commerce. Its nature is

not changed by its application to commerce among the States.

Can it be supposed that by omitting any express declarations on the subject. Congress has intended to submit to the several States the decision of the question in each locality of what shall and what shall not be articles of the trailie in the inter-State commerce of the country? If so, it has left to each State, according to its own caprice and arbitrary will, to discriminate for or against every article grown, produced, manufactured, or sold in any State and sought to be introduced as an article of commerce into any other. If the State of loward may prohibit the importation of interleasing liquors from all other states, it may also include to choose, even, to be governed by considerations growing out of the health, comfort, or peace of the community. Its policy may be directed to other ends. It may choose to establish a system directed to the promotion and benefit of its own agriculture, manufactures, or arts of any description, and prevent the introduction and sale within its limits of any or of all articles that it may select a scoming into competition with those which it seeks to protect. The policy of the scommercial anarchy and confusion of power to the state would extend to such to legislate in behalf of the health, peace, and morals of the people.

In view of the commercial anarchy and confusion of power by the several States of the Union, it cannot be supposed that the Constitution or Congress have intended to limit the recedom of commercial intorcourse among the people of the several States. Said this Court, in Wabash, &c., R. R. Co. agt. Illinois, 118 U. S. 557, 572:

1 cannot be to strongly insisted upon that the right of continuous transportation row one and of the count of the cou

in Wabash, &c., R. R. Co. agt. Illtnois, 118 U. S. 557, 572:
It cannot be too strongly instated upon that the right of continuous transportation from one end of the country to the other is essential in modern times to that freedom of commerce from the restraints which the states might choose to impose upon it that the commerce clause was intended to secure. This clause, giving to Congress the power to regulate commerce among the States and with foreign nations, as this Court has said before, was among the most important of the subjects which prompted the formation of the Constitution. Cook agt. Fennsylvania, 87 U. S. 565, 574 Brown agt. Maryland, 12 Wheaton, 414, 44d. And it would be a very feedle and simest useless provision, but poorly adapted to secure the entire freedom of commerce among the States, which was deemed essential to a more perfect union by the framers of the Constitution, if, at every stage of the transportation of goods and an entire the state, the State, which was deemed essential to a more perfect union by the framers of the Constitution, if, at every stage of the transportation of goods and held links a proper state of the constitution of any other restrictive regulation interfering with and seriously embarrassing this commerce.

In Brown agt. Houston, 114 U. S. 622, 630, it 557, 572:

ation, or any other restrictive regulation interfering with and seriously embarrassing this commerce.

In Brown agt. Houston, 114 U. S. 622, 630, it was declared that the power of Congress over commerce among the States:

Is certainly so far exclusive that no State has any power to make any law or regulation which will affect the free and unrestrained intercourse and trade between the brates, as Congress has left it, or which will impose any discriminating burden or tax upon the cliticum of preducts of other States, coming or brought within its jurisdiction. All laws and regulations are restrictive of natural freedom to some extent, and, where no regulation is imposed by the Government, which has the exclusive power to regulate, it is an indication of its will that the matter shall be left free, so long as Congress does not pass any law to regulation extens the will that commerce shall be free and burden in the cates its will that commerce shall be free and any regulation of the subject by the States is repugnant to such freedom. This has frequently been laid down as law in the judgment of this Court.

The present case is concluded, we think, by

be repugnant to such rescion. This has requently been laid down as law in the judgment of this Court.

The present case is concluded, we think, by the judgment of this Court in Walling agt. Michigan, 116 U. S. 446. In that case an act of the Legislature of the State of Michigan, which imposed a tax upon persons who, not residing or having their principal place of business within the State, engaged there in the business of selling or soliciting the sale of intoxicating liquors to be shipped into the State from places without it, but did not impose a similar tax upon persons selling or soliciting the sale of intoxicating liquors manufactured in the State, was declared to be void on the ground that it was a regulation in restraint of commerce repugnant to the Constitution of the United States. In that case it was said:

It is suggested by the learned Jadgs, who delivered

Government created thereby.

It would be error to lay any stress on the fact that the statute passed upon in that case made a discrimination between citizens and products of other States in favor of those of the State of Michigan, notwithstanding the intimation on that point in the foregoing extract from the opinion. This appears plainly from what was decided in the case of Robbins agt. Shelby Taxing District, 120 U. S. 389. It was there said:

there said;
It is strongly urged, as if it were a material point in the case that an discrimination is made between domestic and fereign drummers—those of Tennessee and those of other disters; that all are taxed alike. But shat does not meet the difficulty. Inter-State commercicanable be said on domestic commerce, or that which is carried on soile, within the State. This waviscided in the case of the State Freight Tax, 15 Walth 2022.

Is answer to another suggestion in the opin-ton of the Supreme Court of Michigan, that the regulation contained in the net did not amount to a prohibition, this Court said: we are unable to adopt the views of that learned tribunal as here expressed. It is the power to regulate commerce among are several States which the Constitution in terms enfirst upon Congress, and this power, as we have some is exclusive in cases like the present, where the softent of regulation is one that admits and requires ediformity and where any regulation affects the region of trails among the States.

The relation of the relationships and the constitution of the relationships and the response of the relationships and the response of trails among the States.

the freedom of traile among the States.
The relation of the police powers of the State to the powers granted to Congress by the Constitution overforeign and inter-State commerce, was stated by this Court in the opinion in the case of Robbins agt. Shelby Taxing District, 120 U. S. 489, 493, as follows:

at this and other countries, excluded, in effect, by the law as it now stands. And it would be only another step to regulate real or supposed extravagance is food and ciothing."

This question was considered in the case of Rullroad Company agt. Husen, 95 U. S. 465, in when, by virtue of its police power and its purisdiction which which which which which which Court declared agract of the Legis.

THE IOWA LAW UNCONSTITUTIONAL.

commerce except as regulated by Congress, is so firmly established that it is unaccessary to enlarge further upon this subject.

The section of the statute of lowa, the validity of which is drawn in question in this case, does not fail within this enumeration of legitimate exertions of the police power. It is not an exercise of the jurisdiction of the State over persons and property within its limits. On the contrary, it is an attempt to exert that jurisdiction over persons and property within the limits of other States. It seeks to prohibit and stop their passage and importation into its own limits, and is designed as a regulation for the conduct of commerce before the merchandise is brought to its border. It is not one of those local regulations designed to aid and facilitate commerce: it is not an inspection law to secure the due quality and measure of a commodity; it is not a law to regulate or restrict the sale of an article deemed injurious to the health and morals of the community: it is not a regulation confined to the purely internal and demestic commerce of the State; it is not a restriction which only operates upon property within the State. It is, on the other hand, a regulation directly affecting inter-State commerce with the present instance, upon the grounds and motives of the policy which have dictated it, the same reason would justify any and every other State regulation of inter-State commerce upon any grounds and reasons which might prompt in particular cases their adoption. It is, therefore, a regulation of that character which constitutes an unauthorized interference with the power given to Congress over the subject. If not in contravention of any positive legislation by Congress, it is nevertheless as breach and interruption of that liberty of trade which Congress ordains as the rational policy, by willing that it shall be free from restrictive regulations.

It may be said, however, that the right of the State to restrict or prohibit sales of intoxicating liquor within fall lists, conceded

Lewis her Sweetheart, Miss Frenm her Adviser, and her Father her Murderer. The trial of Francis W. Pitman for the murder of his 19-year-old daughter. Rachel E. Pitman, on Aug. 4, 1897, in their home at 88 Jackson street, was begun yesterday before Recorder Smyth in the General Sessions. As-sistant District Attorneys Fitzgerald and Dos Passos represented the District Attorney, and

Thomas C. E. Ecclesine was counsel for Pitman. Rachel did not live with her father. She was in love with Frank Lewis, a truck driver, of 338 Henry street, and who was employed by Durin love with Frank Lewis, a truck drivor, of 333 Henry street, and who was employed by Duryea & Co., starch manufacturers. Lewis was a married man and Rachel knew it. She did not know that he had deserted his wife and children. Lewis had told her that his wife had deserted him, and as soon as he could get a divorce Lewis and Itachel were to be married. Pitman would not have Lewis in the house, and he whipped his daughter, too, and so Itachel, a fortnight before she was killed, left her home and sought the protection of her Sunday school teacher, Miss Robecca Fream of 33 Cannon street, the woman who was recently restrained by the courts from speaking in meeting at the De Witt Memorial Mieslon Chuych in Rivington street. Lewis escorted Rachel to her father's house.

On Aug. 4 she was trying on a dress which her sister Sadie was making for her, when her father entered the room. Lewis was up string in the parlor. To Pitman's inquiries whether she had come home to stay, Rachel returned svasive replies. Pitman stabbed her five times in the left breast with the leg of a carpentur's compass. Three of the wounds reached her heart. Rachel ran into the hallway and died. Pitman went up the street and surrendered himself to a policeman. He said alterward that he was insane.

Pitman is a slender man, over 50 years old. His forchead is narrow and retreating, and on his retreating chin is a tuft of gray hair. His nose is aquiline, and his small biue eyes are close together and have a codifishy expression. Pitman glanced sharply around the court room when he was broaden a codifishy expression. He locked sharply at the talesmen as they came forward for examination. Only two jurors were obtained.

A NEW CLUB HOUSE.

ley Athletle Club, The Berkeley Lyceum, 19 West Fortyfourth street, which is to be the home of the new Berkeley Athletic Club, was thrown open for inspection yesterday. It was visited by several thousand persons during the course of the afternoon and evening. The building covers two city lots. In the sub-basement are three bewling alleys, while the basement proper is given up to a billiard room and a plunge bath, the latter occupying a room fiftysix by twelve feet, and finished in marble and six by twelve feet, and finished in marbie and white cement. At the left of the billiard room is a wire cage seventy feet long, which will be used for base ball practice in the winter months. On the first floor, opening out from the broad main hall, are reception and reading rooms and the directors' office. The assembly room occupies the rest of the floor in the rear. It is fifty-six by fity feet, and, with the gallery, will hold about 500 persons. It is a miniature theatre, perfectly appointed in every respect.

On the mezzanine floor, occupying the entire front of the building, is the music ordance hall. The top floor is given up to the gymnasium. Dr. Watson L. Savage will act as instructor in the gymnasium. In a gallery nine feet from the floor is a running track, with twenty-two laps to the nile.

The building, which was intended originally for the use of students of the Berkeley School, will be used during the afternoons by the school, while in the evening it will be given up to the club, of which there are already 100 members. The cost of the building was \$130,000.

Eleven acres have been acquired by the club at Morris dock to be used for outdoor sports during the summer. The ground is being levelled and foot hall and base hall grounds white cement. At the left of the billiard room

at Morris dock to be used for outdoor sports during the summer. The ground is being levelled, and foot ball and base ball grounds and teams courts will be laid out. A boathouse on the Harlem is a part of the proposed plan.

Mr. Ambern's New Theatre.

The German population in this city, and the many other lovers of German plays and actors, will soon have another theatre. Gustav Amberg, manager of the Thalia Theatre, as has been announced, has practically completed arrangements for the erection of a new play-house where Irving Hall now stands. The house where Irving Hall now stands. The plans are now in the hands of the Inspectors of Buildings for their approval. Mr. Amberg expects to begin work on the new building on the irst of May, when the present lease expires. The architect is Mr. S. Stein, formerly of Vienna. The plans include a main entrance on Irving place and side entrances on Fourteenth and Fifteenth streets. The theatrewill be as thoroughly fire proof as it is possible to make it, and will have have a seating capacity of 1.800 persons. The handsome exterior will be in much the same style as the Ponce de Léon Hotel in St. Augustine. The interior decorations are to resemble those of the Frankert Opera House, of blue and silver. Mr. Amberg expects to have the house completed for an opening on Oct. 15. The building will cost from \$150,000 to \$175,000. In the new theatre light opera and comedy will be produced and the Thalia will be preserved as a Volsa Theatre. Mr. Amberg lease of the Thalia does not expire for some years.

Breeklyn's Big Warchouse Trust. The Storage Warehouse Trust in Brooklyn, the proposed organization of which was first described in THE BUN several months ago, is now an established fact. Almost all the warehouse and wharfage interests on the river front
from Catharine Ferry to the Erie Basin have
jeined it, and those which have not yet come in
are expected to do so shortly. The trust will
be knewn as the Empire Warehouse Company
(Limited), and the office of the company is at 5
Hanover street, in this city. Mr. E. B. Bartlett,
who has been the moving spirit in the acheme,
is President, and the other officers are: Secretary, Mr. H. Mitchie: Treasurer. Mr. W. Maclay; Auditor, H. E. Nesmith, Jr.; General
Manager, J. B. Martin. The twenty warehouses which have aiready joined the corporation are the Empire, Barbeck, Roberts, Prentice, Robisson, Union, Finlay, Franklin, Merchants', Brand's, Watson, Central Elevator,
Mediterranean, Woodruff, Kelsey Elevator, Anglo-American, and Waverly stores.

The Martin & Fay and the Fierrepont stores
are the only big ones missing from the trust,
Wharfage rates in the Erie Basin since the fort. now an established fact. Almost all the wareare the only big ones missing from the trust, Wharfage rates in the Erie Basin since the formation of the trust have been advanced, and it is said many vessels that were formerly docked on the Brocklyn shore are now taken to New Jersey.

In Memory of John T. Hoffman. District Attorney Fellows moved yesterday before Recorder Smyth that a minute of the death of ex-Gov. John T. Hoffman, Recorder of the court for six years, should be

made in the records. Ex-Gev. Hoffman, Mr. Pellows said, was not familiar to criminal Pellows said, was net familiar to criminal procedure when he first assumed the duties of his office, but he became so proficion that his decisions were rarely reversed. In the times of the riots of 1863 no one ever enforced the law mere strictly.

Assistant District Attorney Bedford seconded the motion of Col. Fellows.

Recorder Smyth said that in every place which ex-Gov. Hoffman was called upon to fill he demonstrated his fitness. His high character for integrity was never questioned, and never could be questioned successfully. "He has said to me," said Recorder Smyth, "that of all the high offices which he had held, he looked on that of Recorder as one of the most dignified and responsible, and on one occasion he said to me that he regretted that he had ever left the office."

East Hampton, L. I., March 26.—A whale, measuring fifty feed was captured of Amagasecti to-day. The monsier had been disporting itself of the beach for a week.

A Certain Cure for the first stages of Consumption.

Its main ingredients are raw beef and Duffy's Pure Mait Whiskey, and it stimulates the energies and builds up the tissues as no other scientific discovery has ever "I am a Presbyterian elergyman and a Doctor of Divinity, but I am not afraid to recommend Duff's Mait Whiskey and Duffy's Formula as the purest and most efficient preparations as a medicine that I know

of, and my experience is a large one.

her. B. MILLS. Mende Centre, Kansas,
Duffy's Formula is for sale by all druggists and deal-

ers. Price St per bottle.
THE DUFFY MALT WHISKEY CO.,

The Best Tonis

A Concentrated Liquid Extract of MALT and HOPS.

MANUFACTURED BY SPECIALTY DEP'T. PHIL BEST BREWING CO.

Aids Digestion.

Cures Dyspepsia. Strengthens the Systome

Restores Sound, Refreshing Sleep.

Priceless to Nursing Mothers. Recommended by Eminent Physicians.

FOR SALE BY ALL DRUGGISTS.

FIVE HUNDRED CONVICTS IDLE.

Work Stapped to the Auburn Prison, the Legislature Palitug to Provide Money. AUBURN, March 26 .- Work on the State account system at the prison has been stopped owing to the failure of the Legislature to promorning 510 convicts were locked in their cells. The machinery in both shoe shops is still, and, besides the convicts, about twenty-five out-siders have been laid off. Half the employees in the broom shop and finishing room are idle. and both foundries are closed, but Warden Dunston expects to start one of them to-more row to work off the stock on hand. Means while some convicts and the foremen of the different departments are at work taking inventory, the Warden being desirous of ascor-

different departments are at work taking inventory, the Warden being desirous of ascortaining just how he stands financially. He does not think the cutire appropriation is exhausted, but the shut down is necessitated, as there are no prospects of immediate action by the Legislature to provide money for conducting the work. There are about 250 convicts at work, including those employed on the collar contract, one-half the broom shop force, and one-half the finishers.

The present state of affairs seems to be the result of a misunderstanding on the part of the State representatives. They are dissatisfied with the system in vogue at present in the prisons, and are divided as to the best method of conducting and supporting the State's penal institutions. Under the present rule the moneys received for prison production is deposited to the credit of the State's general fund, instead of being kept in the prison fund. Thus Warden Dunston has deposited since Fob. I to date \$78.117.14, receipts for goods made and sold, but he has no authority to use this money, which he says would go a good way towerd making the prison self-sustaining. This, however, goes into the State Treasury, and is credited to "receipts from other sources," and the books don't show that it is a return on the prison appropriation. There is a bill pending in the Legislature to change this system, and give the prisons the credit of their earnings. Warden Dunston has an order for 30,000 masslin kettles, to be made by July 1, and will continue work in this department as long as possible, being afraid that if the appropriation is not soon made he will be unable to fill the contract

ARRESTED AS A VAGRANT.

POUGHKEEPSIE, March 26 .- A case was tried in the Circuit Court to-day entitled Elizaboth M. Satcher against Thomas L. Wing. Mr. Wing is agent of the charity organization of this city. He went before Recorder Dorland and said that, to the best of his knowledge and belief, Caroline and Elizabeth Satcher were vagrants, and thereupon the Recorder issued a warrant for their arrest. The police brought Elizabeth to headquarters, where she was held Elizabeth to headquarters, where she was held for an hour until the Recorder arrived and questioned ner and then discharged her. Then she began suit against Wing for labs imprisonment, and the jury gave her \$50.

Elizabeth Satcher came here with her mother. Caroline, frem Londen. Ber father was proprietor of the Saracen's Head Inn. Snow Hill, where Dickens in his work placed Nichoins Nickleby. Her father died when she was six years old, and then she and her mother came to America, locating here. Soon afterward they went South, where they lost most of their money, and returned to Pourhkeepsie destitute. They have been living here from hand to mouth, moving from place to place because of not being able to pay rent, and have been helped by intimate friends. Last winter they were in the city almshouse. The daughter Elizabeth says she can't work because she was never brought up to work, and that she will die before she will beg. Judge Barnard in his charge to the jury said that it is no crime to be poor, and that the Recorder had no right to issue a warrant on information and belief, but should have demanded a sworn affidayit.

Hanged Himself to a Tree.

BIDDEFORD, Me., March 26.—John Curtis, a fisherman of Biddeford Pool, who has had onsiderable domestic trouble, and whose wife had separated from him, went to the house where his wife was stopping early this mornwhere his wile was stopping early this morning, broke in the door, and made an attempt to assault her, but was prevented. Curtis ran a short distance, took a rope from his pocket, climbed a tree, and tried to hang himself, but was cut down before life was extinct. As soon as he recovered consciousness he wint to the house of Mr. Tarbox, a neighbor, procured a rope, and hanged himself from a tree, and strangled to death. Curtis was 48 years old, and, by hard work had accumulated considerable property. His wife was his own cousin. He leaves three children. A Boston Merchant Missing.

Boston, March 26.—Mr. Frank W. West of 65 Washington street offers a reward for any information relating to Mr. Albert Everett, aged 27 years, doing business at 263 Columbus avenue, and residing at Norwood. Mr. Everett

avenue, and residing at Norwood. Mr. Everett was of good character and doing a profitable business, and was not in any financial embarrasement. On Tuesday just he left the store, saying he was going to Norwood. He has not been seen since. His description is as follows: Five feet 9 inches in height, weight 160 pounds, dark hair, blue eyes, dark complexion. He wore a blue mixed coat and vest, old gold striped pants, blue cloth overcoat, and a black stiff hat. He wore a seal ring, with a gold flower in the centre, on the little finger of the right hand. Another Fight with Oyster Pirates.

BALTIMORE, March 26 .- The oyster police boat Gov. Hamilton ran into Chester River last night, and found about a dozen boats dredging for cysters on forbidden ground. As soon as the steamer approached the dredgers opened fire, and only retreated after about two hun-dred shots had been fired. Capte Turner of the Hamilton captured the schooner C. C. Fallia, Capt. Bramble, halling from this port.

Sixteen Polygamists Sentenced, SALT LAKE CITY, March 26 .- In the Pirst District Court at Provo, on Saturday, sixteen Mormons were sentenced for living with more than one wife, contrary to the provisions of the Edmunds law. Most of them were sentenced to six months in the penitentiary and fined \$300.

ASK FOR THE

LEADING RETAILERS OF THE CITY